

Ex. D

Stipulation Exhibit D

I. As to the 94th St. Facility, the 83rd Street Facility and the Paterson Plank Road Facility, the submissions or requirements below shall be made or met by the respective prospective operators as part of and in accordance with the timeline(s) in the JCO and the applicable ACO for obtaining Plan Inclusion or a Permit, as the case may be. However, should any prospective operator fail to meet the timelines in the JCO, provide any of the required information in connection with its Plan Inclusion or Permit application, or otherwise fail to meet any of the requirements set forth below, NYS&W shall provide the information to NJMC or meet the requirements within ninety (90) days of notification of the prospective operator's failure to provide same or to meet the applicable timeline.

A. Paterson Plank Road Facility

As to the Paterson Plank Road Facility, NYS&W shall submit the following information or demonstrate compliance with the following:

1. Vehicular areas shall be curbed with full depth concrete or granite block in all areas necessary to accommodate the drainage plans.
2. One van accessible barrier-free parking that is of sufficient width and striping.
3. Compliance with NJDEP air pollution control regulations shall be deemed compliance with N.J.A.C. 19:4-10.4(a)9. NYS&W shall provide to NJMC NJDEP's notice of acceptance of the air pollution control system pursuant to Paragraph 6b of the JCO.
4. A lighting plan that includes a minimum average foot-candle level at the proposed loading doors into the facility of 4 foot-candles. N.J.A.C. 19:4-8.13(a)3-Table 8-3; N.J.A.C. 19:4-8.3(c)4; N.J.A.C. 19:4-8.13.
5. NYS&W shall meet with NJMC engineers to discuss drainage issues as set forth in Para. 9 of NJMC's letter to NYS&W dated Dec. 28, 2007, and shall address drainage issues at the site in accordance with the parties' plan developed at the meeting.

B. 94<sup>th</sup> Street Facility

As to the 94<sup>th</sup> Street Facility, NYS&W shall submit the following information or demonstrate compliance with the following:

1. A copy of the valid survey of the tract, signed and sealed by a New Jersey-licensed professional land surveyor, including at a minimum: bearing and distances of all property lines; block and lot designations; acreage of the site to the nearest tenth of an acre; adjacent property lines and the names of adjacent property owners within 200 feet of the subject property; all areas claimed by the State of New Jersey as riparian; and any easements or on-site utilities;
2. Compliance with NJDEP air pollution control regulations shall be deemed compliance with N.J.A.C. 19:4-10.4(a)9. NYS&W shall provide to NJMC NJDEP's notice of acceptance of the air pollution control system pursuant to Paragraph 6b of the JCO.
3. A copy of the Aug. 5, 2006 approval from the Hudson-Essex-Passaic Conservation District for NYS&W's soil erosion and sediment control plan.
4. A filter fabric base or rip rap thickness increased to 12-inches on the Rip-Rap Line Swale detail shown on Sheet 10 of 11, as requested in Paragraph 4.b. of NJMC's letter to NYS&W dated Dec. 28, 2007.
5. The volume of the proposed holding tank to be used as a settling tank for the facility building.
6. All areas where trucks drive must be paved.
7. Light sources mounted on a building façade shall not exceed 25 feet in height or the height of the structure, whichever is less.

C. 83rd Street Facility

As to the 83rd Street Facility, NYS&W shall submit the following information or demonstrate compliance with the following:

1. Revised stormwater drainage plans per meetings between NYS&W and NJMC and as detailed in NJMC's letter to NYS&W dated Dec. 5, 2007.
2. Compliance with NJDEP air pollution control regulations shall be deemed compliance with N.J.A.C. 19:4-10.4(a)9. NYS&W shall provide to NJMC NJDEP's notice of acceptance of the air pollution control system pursuant to Paragraph 6b of the JCO.
3. Submission of a Traffic Impact Analysis, as per N.J.A.C. 19:4-7.10(a)3, prepared in accordance with N.J.A.C. 19:4-7.10 and addressing NJMC's comments in its December 5, 2007 letter at Para. 2.
4. Revised Sheet No.2 of the "Lighting Plan" and Sheet No. 4 of the "Exterior Photometric Plan" to reconcile with Sheet 2 of 14 of the "Proposed Site Plan."
5. Utility easements displayed on the site plan and survey, or a statement informing that no such utility easements exist.

II. As to the 5800 West Side Facility, NYS&W shall submit the following information or demonstrate compliance with the following within ninety (90) days of the Effective Date of the JCO, unless otherwise provided below.

1. Metes/bounds, distances for all property, all existing and proposed striped parking, and loading spaces on the plans attached as Exhibit C to the JCO.
2. Building use and floor areas for the parking calculations.
3. All required on-site parking and curbed safety islands in lieu of striped islands at the entrance parking area.
4. Paving of all vehicular use areas with all weather dustless material.
5. A site lighting plan.
6. A detail of the barrier free parking sign and proposed signage.
7. A detailed gap queuing analysis regarding heavy vehicles and the performance of all turning movements to and from the site driveway and Westside Avenue.
8. Detailed site circulation plans including all ingress and egress, and on-site circulation patterns for the heavy vehicle types that will utilize the proposed facility. Existing lane striping within Westside Avenue shall be considered when displaying adequate circulation.
9. Should new impervious area and/or drainage improvements be proposed, demonstration of compliance with N.J.A.C. 19:4-8.6. More specifically, should greater than  $\frac{1}{4}$  acre of new impervious be proposed, demonstration of compliance with N.J.A.C. 19:4-8.6(b)1.